



**DEPARTMENT OF DEFENSE  
 DEFENSE LEGAL SERVICES AGENCY  
 DEFENSE OFFICE OF HEARINGS AND APPEALS  
 APPEAL BOARD  
 POST OFFICE BOX 3656  
 ARLINGTON, VIRGINIA 22203  
 (703) 696-4759**

Date: January 23, 2023

In the matter of:	)	
	)	
-----	)	ISCR Case No. 21-00181
	)	
Applicant for Security Clearance	)	

**APPEAL BOARD DECISION**

**APPEARANCES**

**FOR GOVERNMENT**

James B. Norman, Esq., Chief Department Counsel

**FOR APPLICANT**

*Pro se*

The Department of Defense (DoD) declined to grant Applicant a security clearance. On October 20, 2021, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) of DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On November 18, 2022, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Philip J. Katauskas denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged that Applicant had seven delinquent debts totaling about \$28,000. In responding to the SOR, Applicant admitted four of those debts totaling about \$11,000. The Judge found against Applicant on each allegation. In the findings of fact and analysis, the Judge noted Applicant failed to provide documentation corroborating various claims.

On appeal, Applicant contends that “[n]ot all information reviewed in this case was up to date or presented as I had stated previously.” Appeal Brief at 1. Applicant’s appeal brief contains documents and assertions that were not presented to the Judge for consideration. Some of those documents postdate the Judge’s decision. The Appeal Board is prohibited from considering or

receiving new evidence. Directive ¶ E3.1.29. Other than generally stating the decision was in error, Applicant does not specify any error on the part of the Judge. To the extent that Applicant is disagreeing with the Judge’s weighing of the evidence, he failed to demonstrate the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 21-01169 at 5 (App. Bd. May 13, 2022). Applicant further asserts that he has a plan to address the unresolved debts; however, statements about proposed future conduct to eliminate his debts are not as probative as demonstrated actions to resolve the problem. *See, e.g.*, ISCR Case No. 99-0447 at 3 (App. Bd. Jul. 25, 2000) (“A promise to take remedial steps in the future is not evidence of reform or rehabilitation.”).”

Applicant failed to establish that the Judge committed any harmful error. The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The decision is sustainable on the record. “The general standard is that a clearance may be granted only when ‘clearly consistent with national security.’” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). *See also*, Directive, Encl. 2, App. A ¶ 2(b): “Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.”

### **Order**

The decision is **AFFIRMED**.

Signed: James F. Duffy  
James F. Duffy  
Administrative Judge  
Chairperson, Appeal Board

Signed: Moira Modzelewski  
Moira Modzelewski  
Administrative Judge  
Member, Appeal Board

Signed: Gregg A. Cervi  
Gregg A. Cervi  
Administrative Judge  
Member, Appeal Board